

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:23-CR-00021-FL-RN-1

United States of America,

v.

Carlos Alston,

Defendant.

Order

In January 2023, a federal grand jury charged Defendant Carlos Alston with a two-count indictment. Indictment, D.E. 11. The first count charges Alston with knowingly receiving a firearm while under state felony indictment, in violation of 18 U.S.C. § 922(n). And the second charges him with possessing a firearm while addicted to marijuana, in violation of 18 U.S.C. § 922(g)(3). Alston moved to dismiss his federal indictment a month later, contending that §§ 922(g)(3) and 922(n) are facially unconstitutional under *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022). Mot. Dismiss, D.E. 17. In *Bruen*, the Supreme Court held that modern firearms regulations must accord with both the text and the historical understanding of the Second Amendment. *Id.* at 2131.

To give the parties an opportunity to be heard before issuing its ruling, the court will hold a hearing to discuss Alston’s motion to dismiss. This hearing will take place in person at 11:00 a.m. on Wednesday, May 31, 2023 at the Terry Sanford Federal Building and U.S. Courthouse in Raleigh, North Carolina.

Dated: April 26, 2023



Robert T. Numbers, II
United States Magistrate Judge